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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,948	06/01/2001	Benjamin W. Schmitz	113402-004	4095

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,948

Applicant(s)

SCHMITZ ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-25 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All, b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's Amendment filed on 1/03/2006 has been entered with an amended claim 1. Examiner approved the amended specification and will be entered as Specification Amendment. In this Office Action, claims 1-8 and 23-25 are pending in this Office Action..

#### ***Drawings***

2. The drawings filed 1/3/2006 have been received and they are Fig. 1-2A-D. Examiner approved them.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champernowne (USPA Pub. 2002/0143587A1) hereinafter Champernowne, and in view of Rafiah et al. (US Patent 6,834,229) hereinafter Rafiah.

5. As per independent claim 1, Champernowne teaches a system to find best fares using a query server with a branching and bounding based technique to implicitly enumerate possible travel solutions to arrive at best fare solutions (page 2, paragraph [0015]). Champernowne teaches the claimed "a network file system server" as file server 240 (Fig. 2, page 3, paragraph [0040]). Further, Champernowne teaches the claimed "a data search engine server communicating with the network file system server, said data search engine server including a data storage memory" as A query server 400 and file server are interconnected with one or more client devices 210 (Fig. 2, page 3, paragraph [0040]). Further, Champernowne does not explicitly teach using query distributor. However, Rafiah teaches the claimed "a query distributor configured to send search queries to the data search engine server" as the load balance provides a buffer between the servers 12, 13 and the internet 20 and acts to distribute service requests to the least busiest server 12, 14 (Fig. 1, col. 8, lines 40-42). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Rafiah's teachings would have allowed Champernowne's system to provide all available

options to the customer in the integrated and comparative approach required for a travel planning service (col. 2, lines 1-2). Finally, Champernowne teaches the claimed “a data set stored on the network file system server in a manner such that said data search engine server may selectively access and transfer portions of the data set to the data storage memory of the data search engine server, where the data search engine server identifies data elements within the accessed portions of the data set that meet the user defined search criteria” as the query server 400 has a mass memory stores the program code and data necessary to receiving, processing, formatting and sending messages as well as supplying the results of that processing to senders (Fig. 4, page 4, paragraph [0045]).

6. As per dependent claim 2, Champernowne teaches the claimed “the data set stored on the network file system server includes air carrier fare and schedule data for flights between a plurality of origination and destination locations” the data obtained from CRS 250 is stored on the file server 240 were equipped to preprocess face information locally ((Fig. 2, page 4, paragraph [0040]).

7. As per dependent claim 3, Champernowne teaches the claimed “the user defined search criteria include an origination location, a destination location, and a date of travel” as a client device 210 requests fare 605 for a particular trip via a web page 1600 such as the web page 1600 shown in Fig. 16 (Fig. 6, 16; page 7, paragraph [0065]).

8. As per dependent claim 4, Champernowne teaches the claimed “the portions of the data set accessed by the data search engine server comprise flight schedule and fare data for airline flights between the origination location and destination location on the date specified in the user defined search criteria” as the query server 400 is used to determine the best fares requested by the client device 210 (Fig. 2, 7, 17, page 7, paragraph [0067]).

9. As per dependent claim 5, Champernowne teaches the claimed “the data storage memory of the data search engine comprises a random access memory” as the query server determine the best fares requested by a client device 210. It is well known in that the computer will have a random access memory (Fig. 2, page 3, paragraph [0040])

10. As per dependent claim 6, Champernowne teaches the claimed “the data storage memory comprises a disc-less storage device” as the query server determine the best fares requested by a client device 210. It is well known in that the computer will have a random access memory and the memory is a disk-less storage device (Fig. 2, page 3, paragraph [0040]).

11. As per dependent claim 7, Rafiah teaches the claimed “a plurality of data search engine servers communicating with the network file system server” as the front server 22 of each server 12, 14 is directly connected to the local database 10 for requesting and receiving data (Fig. 1, col. 8, lines 51-53). Thus, it would have been obvious to one

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of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Rafiah's teachings would have allowed Champernowne's system to provide all available options to the customer in the integrated and comparative approach required for a travel planning service (col. 2, lines 1-2).

12. As per dependent claim 8, Rafiah teaches the claimed "comprising a plurality of network file system servers and a plurality of data search engine servers communicating with each network file system server" as the front server 22 of each server 12, 14 is directly connected to the local database 10 for requesting and receiving data (Fig. 1, col. 8, lines 51-53). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Rafiah's teachings would have allowed Champernowne's system to provide all available options to the customer in the integrated and comparative approach required for a travel planning service (col. 2, lines 1-2).

### ***Allowable Subject Matter***

13. Claims 23-25 are allowed. The prior art of record does not teach the combination of claimed elements including the independent claim 23 limitations "setting a flag to

indicate that the new data set is available” and “running a first search process searching the old data set.”

***Response to Arguments***

14. Applicant's arguments filed on 1/3/2006 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as “the Examiner identified the file server 240 in Champernowne as corresponding to the network file server system in claim 1... file server 240 storing any data at all.” (see Amendment, page 14, paragraph 1).

In response to Applicant argument, Examiner respectfully disagrees because, NFS as per Microsoft Dictionary defined as “a distributed file system that allows users to access remote files and directories on a network as if they were local.” Champernowne teaches the same (see Fig. 2, page 3, paragraph [0040]).

b) Applicant's argument stated as “the Examiner identified query server 400 in Champernowne as corresponding to the 'data search engine server' in claim 1... Champernowne does not show or suggest the query server 400 accessing or transferring data from the file server 240 at all.” (see Amendment, page 14, paragraph 2).



In response to Applicant argument, Examiner disagrees because, Champernowne teaches as "file server 240 may not be necessary if the query server 400 receives information from the CRS 250 directly (see Fig. 2, page 3, paragraph [0040]). From the statement it clearly indicates that the file server keeps the after obtaining form Centralized computer reservation system (CRS).

c) Applicant's argument stated as "In addition, as with Champernowne, Rafiah des not show suggest "a data set..." (see Amendment, page 14, paragraph 3).

In response to Applicant argument, Examiner disagrees because, Applicant misinterpreted the references as per rejection Champernowne teaches at (Fig. 4, page 4, paragraph [0045]). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sathyanarayan Pannala  
Examiner  
Art Unit 2164

srp  
March 29, 2006

  
MOHAMMAD ALI  
PRIMARY EXAMINER